



**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

10-20-16

In the Matter of the Application of San Diego Gas and Electric Company (U902G) and Southern California Gas Company (U904G) for a Certificate of Public Convenience and Necessity for the Pipeline Safety and Reliability Project.

Application 15-09-013 04:59 PM  
(Filed September 30, 2015)

**NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION  
AND, IF REQUESTED (and [ X ]<sup>1</sup> checked), ADMINISTRATIVE LAW JUDGE'S  
RULING ON [PROTECT OUR COMMUNITIES FOUNDATION]'S SHOWING OF  
SIGNIFICANT FINANCIAL HARDSHIP**

**NOTE: After electronically filing a PDF copy of this Notice of Intent (NOI), please email the document in an MS WORD format to the Intervenor Compensation Program Coordinator at [Icompcoordinator@cpuc.ca.gov](mailto:Icompcoordinator@cpuc.ca.gov).**

<b>Customer (party intending to claim intervenor compensation): Protect Our Communities Foundation</b>		
<b>Assigned Commissioner: Liane Randolph</b>		<b>Administrative Law Judge: Colette Kersten</b>
I hereby certify that the information I have set forth in Parts I, II, III and IV of this Notice of Intent (NOI) is true to my best knowledge, information and belief.		
Signature:		/s/ April Rose Sommer
Date: 10/20/16	Printed Name:	April Rose Sommer

**PART I: PROCEDURAL ISSUES**  
(To be completed by the party ("customer") intending to claim intervenor compensation)

<b>A. Status as "customer" (see Pub. Util. Code § 1802(b)):</b> The party claims "customer" status because the party is (check one):	<b>Applies (check)</b>
1. A <b>Category 1</b> customer is an actual customer whose self-interest in the proceeding arises primarily from his/her role as a customer of the utility and, at the same time, the customer must represent the broader interests of at least some	<input type="checkbox"/>

<sup>1</sup> DO NOT CHECK THIS BOX if a finding of significant financial hardship is not needed (in cases where there is a valid rebuttable presumption of eligibility (Part III(A)(3)) or significant financial hardship showing has been deferred to the intervenor compensation claim).

<p>other customers.</p> <p>In addition to describing your own interest in the proceeding you must show how your participation goes beyond just your own self-interest and will benefit other customers.</p>	
<p>2. A <b>Category 2</b> customer is a representative who has been authorized by actual customers to represent them. Category 2 involves a more formal arrangement where a customer or a group of customers selects a more skilled person to represent the customer's views in a proceeding. A customer or group of customers may also form or authorize a group to represent them, and the group, in turn, may authorize a representative such as an attorney to represent the group.</p> <p>A representative authorized by a customer must identify the residential customer(s) being represented and provide authorization from at least one customer. <i>See D.98-04-059 at 30.</i></p>	<input type="checkbox"/>
<p>3. A <b>Category 3</b> customer is a formally organized group authorized, by its articles of incorporation or bylaws to represent the interests of residential customers or small commercial customers receiving bundled electric service from an electrical corporation.<sup>2</sup> Certain environmental groups that represent residential customers with concerns for the environment may also qualify as Category 3 customers, even if the above requirement is not specifically met in the articles or bylaws. <i>See D.98-04-059, footnote at 3.</i></p>	X
<p>The party's explanation of its customer status must include the percentage of the intervenors members who are residential ratepayers or the percentage of the intervenors members who are customers receiving bundled electric service from an electrical corporation, and must include supporting documentation: (i.e., articles of incorporation or bylaws).</p> <p>The Protect Our Communities Foundation ("POC") meets the third definition—a representative of a group or organization that is authorized by its bylaws or articles of incorporation to represent the interest of residential customers. POC advocates for communities and nature in San Diego County to advance better energy and environmental solutions through advocacy and law.</p> <p>POC represents the interests of residential ratepayers (100 percent) and not bundled customers. POC is a 501c3 Organization. POC's bylaws are attached, with more detail, including how POC was formed to represent the interests of Southern California ratepayers and the environment from the impacts of large-scale and industrial energy and infrastructure projects.</p> <p>The interests of urban and rural residents of backcountry San Diego and</p>	

<sup>2</sup> Intervenors representing either a group of residential customers or small commercial customers who receive bundled electric service from an electrical corporation, must indicate in Part I, Section A, Item #4 of this form, the percentage of their members who are residential customers or the percentage of their members who receive bundled electric service from an electrical corporation. The NOI may be rejected if this information is omitted.

<p>Southern California are unique and not fully represented by other parties.</p> <p>The Commission has explained that, “With respect to environmental groups, we have concluded they were eligible [for intervenor compensation] in the past with the understanding that they represent customers . . . who have a concern for the environment which distinguishes their interests from the interests represented by Commission staff, for example.” (D.88-04-066.) POC is such an environmental group because it represents customers with a concern for the environment that is different from the other interests in this proceeding.</p>	
<p>Identify all attached documents in Part IV.</p> <p>Bylaws of Protect Our Communities Foundation.</p>	
<p>Do you have any direct economic interest in outcomes of the proceeding?<sup>3</sup></p> <p>Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/> X</p> <p>If “Yes”, explain:</p>	

<b>B. Conflict of Interest (§ 1802.3)</b>	<b>Check</b>
1. Is the customer a representative of a group representing the interests of small commercial customers who receive bundled electric service from an electrical corporation?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> X No
2. If the answer to the above question is “Yes”, does the customer have a conflict arising from prior representation before the Commission?	<input type="checkbox"/> Yes <input type="checkbox"/> No

<b>C. Timely Filing of Notice of Intent (NOI) (§ 1804(a)(1)):</b>	<b>Check</b>
1. Is the party’s NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: September 22, 2016	<input checked="" type="checkbox"/> X Yes <input type="checkbox"/> No
2. Is the party’s NOI filed at another time (for example, because no Prehearing Conference was held, the proceeding will take less than 30 days, the schedule did not reasonably allow parties to identify issues within the timeframe normally permitted, or new issues have emerged)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> X No
2a. The party’s description of the reasons for filing its NOI at this other time:	
2b. The party’s information on the proceeding number, date, and decision number for any Commission decision, Commissioner ruling, Administrative Law Judge’s ruling, or other document authorizing the filing of NOI at that other time:	

<sup>3</sup> See Rule 17.1(e).

**PART II: SCOPE OF ANTICIPATED PARTICIPATION**  
**(To be completed by the party (“customer”) intending to claim intervenor compensation)**

**A. Planned Participation (§ 1804(a)(2)(A)(i)):**

**The Party’s Statement Of The Issues On Which It Plans To Participate:**

The Scoping Memo for this proceeding has not yet been established so POC cannot fully describe its planned participation. At this point, POC will, at the least, participate in this proceeding on the following topics:

- 1) California Environmental Quality Act process – POC will argue for rigorous EIR and adequate mitigation
- 2) The need for the project should be fully evaluated first in order to determine what alternatives exists and if the pipeline as proposed is both needed and reasonable.
- 3) Applicant has and continues to violate Commission order to pressure tests its gas lines.
- 4) Due to Applicant’s violation of order to pressure test the line at issues in this proceeding, PUC needs to take proactive steps to ensure that Applicant’s existing pipeline infrastructure is safe and order Applicant to take decisive action if safety cannot be guaranteed prior to completion of the pressure testing. Only after safety of current operations are secured should the Commission even consider saddling ratepayers and the environment with the costs and impacts of a new major pipeline.
- 5) There is present evidence of the decreasing demand for natural gas in Southern California.

**The Party’s Explanation Of How It Plans To Avoid Duplication Of Effort With Other Parties:**

POC will coordinate, as it has in other proceedings, with the Sierra Club, TURN, UCAN, and other intervenors who share similar interests in order to avoid duplication of effort.

**The Party’s Description Of The Nature And Extent Of The Party’s Planned Participation In This Proceeding (To The Extent That It Is Possible To Describe On The Date This NOI Is Filed).**

POC plans to be part of every element of this proceeding including environmental analysis under CEQA and compliance with CEQA, the Public Utilities Code, and PUC regulations. POC plans to submit legal briefs and comments, prepare and serve testimony, and participate in evidentiary hearings. Such action will require the use of legal counsel and experts.

<b>B. The party's itemized estimate of the compensation that the party expects to request, based on the anticipated duration of the proceeding (§ 1804(a)(2)(A)(ii)):</b>				
<b>Item</b>	<b>Hours</b>	<b>Rate \$</b>	<b>Total \$</b>	<b>#</b>
<b>ATTORNEY, EXPERT, AND ADVOCATE FEES</b>				
[Attorney 1] April Rose Sommer	100	\$325.00	\$32,500.00	
[Attorney 2] Maris Brancheau	40	\$200.00	\$8,000	
[Expert 1] Bill Powers	25	\$260.00	\$6,500	
[Expert 2] TBD Expert	25	\$250.00	\$6,250	
[Advocate 1]				
[Advocate 2]				
<b>Subtotal: \$ 53,250</b>				
<b>OTHER FEES</b>				
[Person 1]				
[Person 2]				
<b>Subtotal: \$</b>				
<b>COSTS</b>				
Travel			\$4,000.00	
Copying, mailing			\$ 400.00	
<b>Subtotal: \$ 4,400.00</b>				
<b>TOTAL ESTIMATE: \$ 57,650</b>				
<b>Estimated Budget by Issues:</b>				
<p>POC does not have the benefit of a Scoping Memorandum upon which to determine a budget for the issues it will address as it is uncertain exactly what those issues will be but, offers the following rough estimate based upon the currently known information:</p>				
current pipeline	20% Safety risk and other issues regarding operation of			
orders	20% Applicant compliance or non-compliance with PUC			
	40% CEQA compliance			
	40% Need for and reasonableness of the proposed project			
<p><i>When entering items, type over bracketed text; add additional rows to table as necessary. Estimate may (but does not need to) include estimated Claim preparation time. Claim preparation time is typically compensated at ½ professional hourly rate.</i></p>				

**PART III: SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP**  
**(To be completed by party (“customer”) intending to claim intervenor**  
**compensation; see Instructions for options for providing this**  
**information)**

<b>A. The party claims “significant financial hardship” for its Intervenor Compensation Claim in this proceeding on the following basis:</b>	<b>Applies (check)</b>
1. “[T]he customer cannot afford, without undue hardship, to pay the costs of effective participation, including advocate’s fees, expert witness fees, and other reasonable costs of participation” (§ 1802(g)); or	<input type="checkbox"/>
2. “[I]n the case of a group or organization, the economic interest of the Individual members of the group or organization is small in comparison to the costs of effective participation in the proceeding” (§ 1802(g)).	X
3. A § 1802(g) finding of significant financial hardship in another proceeding, made within one year prior to the commencement of this proceeding, created a rebuttable presumption in this proceeding ( § 1804(b)(1)).	<input type="checkbox"/>
Commission’s finding of significant financial hardship made in proceeding number:	
Date of Administrative Law Judge’s Ruling (or CPUC Decision) in which the finding of significant financial hardship was made:	

<b>B. The party’s explanation of the factual basis for its claim of “significant financial hardship” (§ 1802(g)) (necessary documentation, if warranted, is attached to the NOI:</b>
<p>POC, a 501(c)(3) organization, represents the interests of a specific constituency: San Diego area ratepayers, especially those ratepayers in smaller communities whose interests are often not adequately represented in Commission proceedings. POC’s constituents and supporters are SDG&amp;E and SCE ratepayers. The economic interest in this proceeding of any individual POC constituent or supporter is small compared to the cost of effective participation in this proceeding. The increase in rates to fund the project will have a much lower impact on each individual ratepayer than the approximately \$50,000-\$60,000 of organizational time and effort POC will spend representing the interests of ratepayers and its constituents in this matter. Thus, the cost of the POC’s participation in the proceeding substantially outweighs the benefit to each individual interest it represents.</p> <p>Although POC’s goal in this proceeding is to make a substantial contribution that will result in lower electricity bills for POC’s constituents and protect ratepayers from unnecessary fossil-fuel dependent infrastructure in a cost-effective manner, for any individual POC constituent or supporter this impact will be small compared to the cost of participation in this proceeding. This is especially true given the complex and technical nature of the pipeline project, which POC anticipates will require a significant investment of attorney and expert time.</p>

--

**PART IV: ATTACHMENTS DOCUMENTING SPECIFIC  
ASSERTIONS MADE IN THIS NOTICE**  
(The party (“customer”) intending to claim intervenor compensation  
identifies and attaches documents; add rows as necessary)

Attachment No.	Description
1	Certificate of Service
2	Bylaws of Protect Our Communities Foundation
3	Articles of Incorporation

**ADMINISTRATIVE LAW JUDGE RULING<sup>4</sup>**  
(Administrative Law Judge completes)

	Check all that apply
<b>1. The Notice of Intent (NOI) is rejected for the following reasons:</b>	<input type="checkbox"/>
a. The NOI has not demonstrated the party’s status as a “customer” for the following reason(s):	<input type="checkbox"/>
b. The NOI has not demonstrated that the NOI was timely filed (Part I(B)) for the following reason(s):	<input type="checkbox"/>
c. The NOI has not adequately described the scope of anticipated participation (Part II, above) for the following reason(s):	<input type="checkbox"/>
2. The NOI has demonstrated significant financial hardship for the reasons set forth in Part III of the NOI (above).	<input type="checkbox"/>
3. The NOI has not demonstrated significant financial hardship for the following reason(s):	<input type="checkbox"/>
<b>4. The Administrative Law Judge provides the following additional guidance (see § 1804(b)(2)):</b>	<input type="checkbox"/>

**IT IS RULED that:**

<sup>4</sup> A Ruling needs not be issued unless: (a) the NOI is deficient; (b) the Administrative Law Judge desires to address specific issues raised by the NOI (to point out similar positions, areas of potential duplication in showings, unrealistic expectations for compensation, or other matters that may affect the customer’s Intervenor Compensation Claim); or (c) the NOI has included a claim of “significant financial hardship” that requires a finding under § 1802(g).

Revised September 2014

1. The Notice of Intent is rejected.	<input type="checkbox"/>
2. The customer has satisfied the eligibility requirements of Pub. Util. Code § 1804(a).	<input type="checkbox"/>
3. The customer has shown significant financial hardship.	<input type="checkbox"/>
4. The customer is preliminarily determined to be eligible for intervenor compensation in this proceeding. However, a finding of significant financial hardship in no way ensures compensation.	<input type="checkbox"/>
5. Additional guidance is provided to the customer as set forth above.	<input type="checkbox"/>

Dated \_\_\_\_\_, at San Francisco, California.

---

Administrative Law Judge